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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ENRIQUE ANDRES DONEY,

Defendant.

Case No. CR-23-77-BLG-SPW

**DEFENDANT'S MOTION TO
DISMISS**

COMES NOW Defendant, ENRIQUE ANDRES DONEY, by and through his counsel of record, EVANGELO ARVANETES, Assistant Federal Defender and the FEDERAL DEFENDERS OF MONTANA and hereby submits the said Motion to Dismiss.

Under the *Bruen* paradigm, 922(n) violates Mr. Doney's Constitutional Right to possess and bear arms as protected under the Second Amendment to the United States Constitution. See *New York State Rifle and Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022).

As such, Mr. Doney respectfully requests that this Court dismiss the Indictment.

Undersigned counsel has contacted Assistant United States Attorney Paulette Stewart, and the Government objects to the substance of the Motion and Brief in Support of the Motion.

RESPECTFULLY SUBMITTED this 5th day of September, 2023.

/s/ Evangelo Arvanetes
EVANGELO ARVANETES
Federal Defenders of Montana
Counsel for Defendant

CERTIFICATE OF SERVICE
L.R.5.2(b)

I hereby certify that on September 5, 2023, a copy of the foregoing document was served on the following persons by the following means:

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1. CLERK, UNITED STATES DISTRICT COURT

2. PAULETTE STEWART

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Counsel for the United States of America

3. ENRIQUE ANDRES DONEY

Defendant

/s/ Evangelo Arvanetes

EVANGELO ARVANETES

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